

IN THE DISTRICT COURT IN AND FOR SANPETE COUNTY, STATE OF UTAH.

Indianola Irrigation Company,  
a corporation,

Plaintiff,

vs.

Justus O. Seely,

Defendant.

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Stipulation.

Case No. 4023, Civil

Whereas the above entitled case is in the course of trial in the above entitled court and cause, at Manti, Utah on the 7th day of June A. D. 1950, before the Hon. L. Leland Larsen, Presiding Judge, and while in the course of trial and for the purpose of facilitating the conclusion and settlement of some matters involved the following stipulation is entered into by the parties as follows:

STIPULATION.

It is hereby stipulated and agreed by and between the parties and their respective attorneys as follows:

1. That the plaintiff rightfully controls and distributes all the waters of the shareholders of said Indianola Irrigation Company, a mutual Irrigation Company to the respective stockholder in accordance with their respective interests as stockholders in Indianola Valley, Utah for irrigation and domestic purposes.

2. That the irrigation season on said Clear Creek, Rock Creek and Thistle Creek begins March 1, each and every year and the waters of said creeks vary from year to year according to the seasons which depends on the amount of rain and snow fall upon the water shed from which said streams in said creeks originate.

3. That the defendant may use all or the waters of Rock Creek to run over not to exceed 12 acres of meadow land

described as follows:

Being and being in the South part of Lots 1 and 2 in the  
Northeast quarter of Section 3, Township 12 South, Range 4 East,  
Salt Lake Base and Meridian immediately adjoining Thistle Creek.

And no other lands. - - - - -  
until such time that the water is placed on turns each year by the plaintiff which meadow land immediately adjoins Thistle Creek; and said defendant may, also at all times from March 1, each and every year until the waters of said Rock Creek, Clear Creek and Thistle Creek are placed on turn by the plaintiff, use all the waters of <sup>Rock</sup> ~~Clear~~ Creek for irrigation of his lands which are situated immediately above the natural channel of Clear Creek until such time as the water flow measured over weir, No.1, located at the Mouth of Thistle Creek Canyon recedes to a depth of seven (7) inches flow of the water over the six foot width in said weir and when such depth of water flow in said weir is determined, then the defendant shall not use any water from Rock Creek and Clear Creek, except allotted turns scheduled by the Indianola Irrigation Company; and further that at any time that the plaintiff, Indianola Irrigation Company places the water of said creeks on turns, the defendant will be charged with 80 shares of Class "B" stock up to said time for the use of said water prior to being placed on turns.

4. That when the waters of said creek are placed on turns by the plaintiff, it is stipulated and agreed that only 3/4 of the waters of Rock Creek and 3/4 of the waters of Clear Creek can be allocated to the defendant and then same will be charged against shares of defendant's stock in said corporation.

5. And it is further stipulated that the waters used by the defendant between the 25th day of June at 6 O'clock A. M. to

June 30th at 6 O'clock A. M., and again beginning July 10 at 6 O'clock A. M. to July 15 at 6 O'clock A. M. being two separate turns the defendant will be charged with 55 shares of Class "A" stock of his stock for each turn period above stated by the plaintiff corporation for the use of ~~the~~ said 3/4 of the waters of Clear Creek and Rock Creek, the one fourth (1/4) of the water of said creeks during said periods belong to the so called "Down Canyon Users".

6. That during the two ten day period turns from June 15 at 6 O'clock A. M. to June 25 at 6 O'clock A. M. and July 1 at 6 O'clock A. M. to July 10 at 6 O'clock A. M. all the waters of Rock Creek, Clear Creek and Thistle Creek shall be permitted to flow down their natural channels to the lands of the stockholders which are situated and lie below the said No. 1, weir located in the mouth of Thistle Canyon, in Section 3, Twp. 12 South, Range 4 East Salt Lake Base and Meridian and to be distributed by the plaintiff to stockholders including the defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1950.

Indianola Irrigation Company,  
A Mutual Irrigation Company

Attested

By \_\_\_\_\_  
President.

Secretary of Indianola  
Irrigation Company.

By \_\_\_\_\_  
Of Jensen and Jensen  
Attorney for Plaintiff.

By \_\_\_\_\_  
Defendant.

By \_\_\_\_\_  
Attorney for Defendant.  
Justus O. Seely.